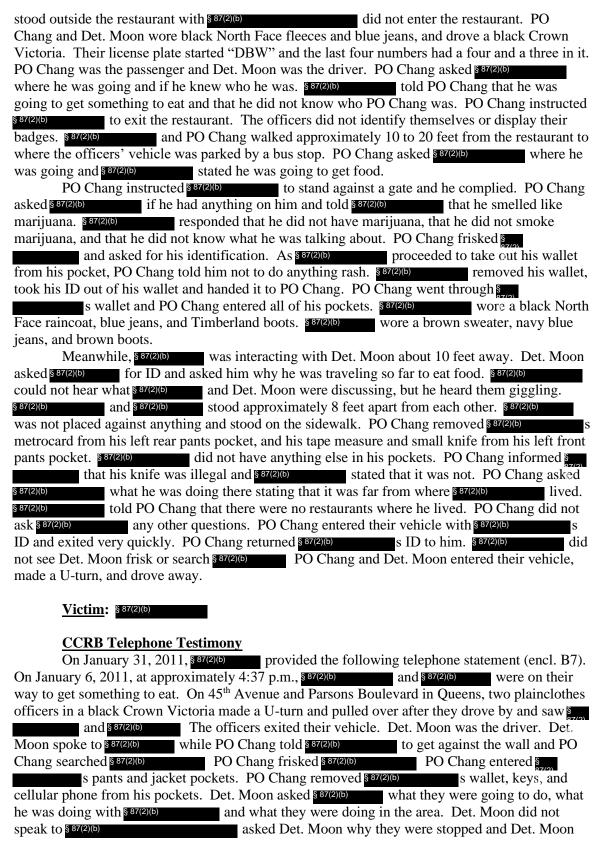
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	Force	☐ Discourt.	☐ U.S.
Stacy Frigerio		Team # 2	201100834	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Thursday, 01/06/2011 4:37 PM		45th Avenue between Bowne Street and Smart Street		109	7/6/2012	7/6/2012
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time Received at CCRB		RB
Thu, 01/20/2011 3:22 PM		CCRB Phone		Thu, 01/20/2011 3:22 PM		
Complainant/Victim	Type	Home Addre	ss			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Won Chang	29627	928055	PBQN AC			
2. DTS Jae Moon	06010	935342	PBQN AC			
Officer(s)	Allegation	on		Inve	stigator Recon	nmendation
A.POM Won Chang	Abuse: PO Won Chang stopped § 87(2)(5)					
B.DTS Jae Moon	Abuse: Detective Jae Moon stopped § 87(2)(b)					
C.POM Won Chang	Abuse: PO Won Chang frisked 887(2)(b)					
D.POM Won Chang	Abuse: PO Won Chang searched § 87(2)(b)					
§ 87(2)(g), § 87(4-b)						
§ 87(2)(g), § 87(4-b)						

Case Summary

On January 20, 2011, \$37(2)(b) filed this complaint with the CCRB via the telephone (encl. B1-B2). On January 6, 2011, at approximately 4:27 p.m., \$37(2)(b) arrived at a restaurant located on 45 th Avenue between Bowne Street and Smart Street in Queens with his friend, \$37(2)(b) when the following allegations resulted:
• Allegation A – Abuse of Authority: PO Won Chang stopped \$87(2)(b) \$87(2)(b). \$87(2)(g)
• Allegation B – Abuse of Authority: Detective Jae Moon stopped §87(2)(b) 887(2)(b) 887(2)(g)
Allegation B be closed as victim uncooperative. • Allegation C – Abuse of Authority: PO Won Chang frisked \$87(2)(b) • Allegation D – Abuse of Authority: PO Won Chang searched \$87(2)(b) 887(2)(g)
• \$87(2)(g), \$87(4-b)
On January 31, 2011, during his sworn statement, § 87(2)(b) rejected mediation and stated that he did not want to see the officers again.
Results of Investigation
<u>Civilian Statement(s)</u>
Complainant/Victim: \$87(2)(b) • \$87(2)(b)
CCRB Testimony
On January 31, 2011, \$\frac{\$\structure{37(2)(b)}}{2011} was interviewed at the CCRB (encl. B3-B6). On January 6, 2011, \$\frac{\$\structure{37(2)(b)}}{2011} and his friend, \$\frac{\$\structure{37(2)(b)}}{2011} walked from \$\frac{\$\structure{37(2)(b)}}{2011} s house to a restaurant called La Antioquena located at 143-10 45th Avenue in Queens. \$\frac{\$\structure{37(2)(b)}}{2011} and \$\frac{\$\structure{37(2)(b)}}{2011} arrived at 45th Avenue between Bowne Street and Smart Street. \$\frac{\$\structure{37(2)(b)}}{2011} arrived at 45th Avenue between Bowne Street and Smart Street. \$\frac{\$\structure{37(2)(b)}}{2011} and \$\frac{\$\structure{37(2)(b)}}{2011} arrived at 45th Avenue between Bowne Street and Smart Street. \$\frac{\$\structure{37(2)(b)}}{2011} and \$\frac{\$\structure{37(2)(b)}}{2011} arrived at 45th Avenue between Bowne Street and Smart Street. \$\frac{\$\structure{37(2)(b)}}{2011} and \$\frac{\$\structure{37(2)(b)}}{2011} and \$\frac{\$\structure{37(2)(b)}}{2011} arrived at 45th Avenue between Bowne Street and Smart Street. \$\frac{\$\structure{37(2)(b)}}{2011} and \$\frac{\$\structure{37(2)(b)}}{2011} arrived at 45th Avenue between Bowne Street and Smart Street. \$\frac{\$\structure{37(2)(b)}}{2011} and \$\frac{\$\structure{37(2)(b)}}{2011} arrived at 45th Avenue between Bowne Street and Smart Street. \$\frac{\$\structure{37(2)(b)}}{2011} and \$\frac{\$\structure{37(2)(b)}}{2011} and \$\frac{\$\structure{37(2)(b)}}{2011} arrived at 45th Avenue between Bowne Street and Smart Street. \$\frac{\$\structure{37(2)(b)}}{2011} and \$\frac{\$\structure{37(2)(b)}}{2011} and \$\frac{\$\structure{37(2)(b)}}{2011} and \$\frac{\$\structure{37(2)(b)}}{2011} and \$\frac{\$\structure{37(2)(b)}}{2011} and \$\frac{{\structure{37(2)(b)}}}{2011} and \$\frac{\structure{37(2)(b)}}{2011} and \$\frac{{\structure{37(2)(b)}}}{201



told § 87(2)(b)	to mind his own bu	siness. Det. N	Moon asked § 87(2)(b)	for his identification
and PO Chang a	sked § 87(2)(b)	for his. Det	. Moon wrote down § 87(2)	s information
and returned his	ID. Det. Moon spol	ke to § 87(2)(b)	for two or three	minutes while PO
Chang stood by	the officers' vehicle.	§ 87(2)(b)	could not hear the conv	ersation between Det.
Moon and § 87(2)(b)	The inci	dent lasted ab	out five minutes. § 87(2)(b	has interacted
with PO Chang	once prior to this inc	eident.		

Attempts to Contact Civilians

During \$87(2)(b) s telephone statement on January 31, 2011, he did not want to schedule an appointment to provide a sworn statement and stated he would call the CCRB back to schedule one. On February 2, 2011, \$87(2)(b) scheduled an appointment for February 7, 2011. On February 7, 2011, \$87(2)(b) missed his appointment. \$87(2)(b) was called three more times, but he did not respond to the CCRB to schedule another appointment.

NYPD Statement(s):

Subject Officer: PO WON CHANG

- *PO Chang is a* § 87(2)(b)
- On January 6, 2011, PO Chang worked with Detective Moon between 6:00 a.m. and 5:35 p.m. PO Chang is assigned to the BLAST unit or burglary investigation unit, and was doing surveillance. He wore plainclothes and was assigned to a silver vehicle.

Memo Book

PO Chang did not make a memo book entry regarding this incident (encl. C1-C2).

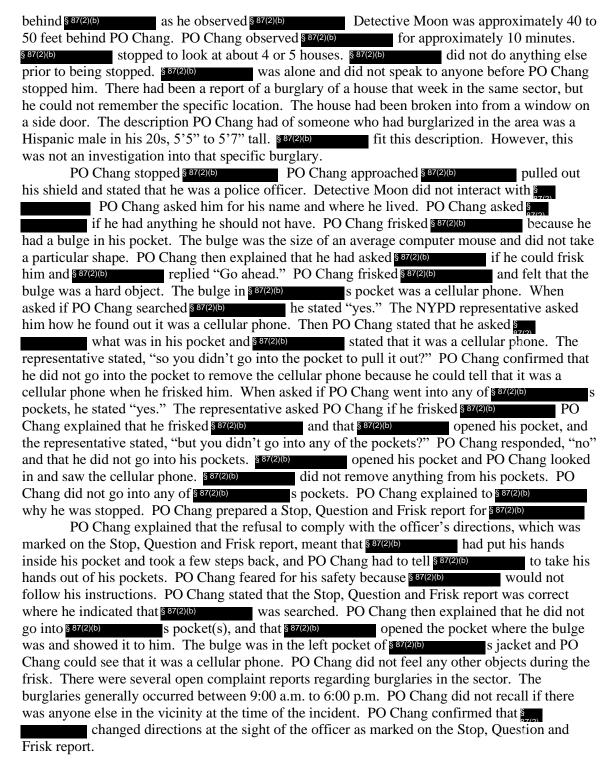
Stop, Ouestion and Frisk Report

PO Chang prepared handwritten Stop, Question and Frisk Report 2011-109-00073, which indicates that (encl. C3-C5) was stopped on January 6, 2011, at 4:50 p.m., because he was suspected of burglary (encl. C3-C5). The circumstances that led to the stop included fitting a description, actions indicative of acting as a lookout, and furtive movements. The incident location was reported as Robinson Street and 45th Avenue in Queens. Additional factors were a high incidence of reported offense, time of day/week corresponding to criminal activity, proximity to scene of suspected offense, sights and sounds of criminal activity, and changing directions at the sight of officer. The report indicates that (enclosed) was frisked and searched. It also indicates that he was frisked because of his refusal to comply with officers' directions and his furtive movements, and he was searched because of a hard object. (enclosed) directions are demeanor was calm. It is unclear from the handwritten report whether another individual was stopped and the computerized report notes that the no other person was stopped.

CCRB Testimony

On April 26, 2011, PO Chang was interviewed at the CCRB (encl. C6-C7). On January 6, 2011, at approximately 4:37 p.m., [87(2)(b)] was walking down the street in the vicinity of 45th Avenue between Bowne Street and Smart Street in Queens and "casing houses" which PO Chang explained was standing in front of different houses and looking at the houses with the intention of breaking into one. The area is residential and there are no stores where PO Chang observed [887(2)(b)] stood on the sidewalk as he looked at the houses and was less than 10 feet from the front door of the houses. PO Chang stood approximately 30 feet

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Witness Officer: DETECTIVE JAE MOON

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- Det. Moon is a § 87(2)(b)
- On January 6, 2011, Det. Moon worked from 9:30 a.m. until 6:05 p.m. in plainclothes and in a black Mercury vehicle. He was assigned to anti-crime and focused on burglaries.

Memo Book

Det. Moon did not have any memo book entries regarding this incident (encl. C8-C9).

CCRB Testimony

On May 19, 2011, Det. Moon was interviewed at the CCRB (encl. C10-C11). On January 6, 2011, at approximately 4:37 p.m., Det. Moon and PO Chang were on patrol and PO Chang brought to Det. Moon's attention that an individual inside the vehicle was possibly "casing" houses and burglary in the vicinity of 45th Avenue between Bowne Street and Smart Street. PO Chang made the observation of 337(2)(5) and PO Chang did not inform Det. Moon regarding what specifically he saw. PO Chang filled out a Stop, Question and Frisk report. Det. Moon did not recall the type of vehicle that was stopped. They used their turret lights to stop the vehicle.

Det. Moon recalled \$87(2)(6) from his photograph, but did not recall his name and was unsure if he had interacted with \$87(2)(6) on the date of the incident. \$87(2)(6) was not alone; he was with a male individual. PO Chang and Det. Moon approached PO Chang did most of the talking. Det. Moon did not have any verbal contact with Det. Moon did not recall if \$87(2)(6) exited the vehicle. Det. Moon did not recall what happened during the stop. Det. Moon did not recall anything about marijuana. Det. Moon confirmed there was no report of a burglary, but the area is burglary prone and so his unit was specifically assigned to patrol that area. Det. Moon did not recall the demeanor of the civilians. Det. Moon did not recall if PO Chang frisked or searched \$87(2)(6) was probably released because no crime was committed. The interaction lasted approximately five minutes.

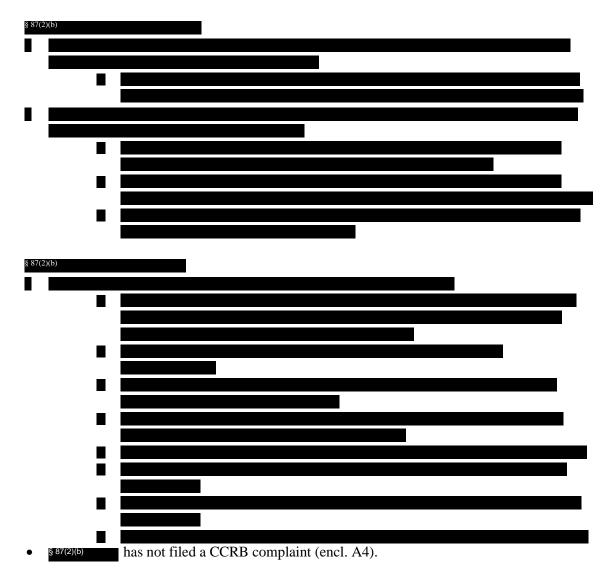
NYPD Document(s)

Management Information Systems Division and the NYS Police Superintendent

Both MISD and the NYS Police Superintendent check of records yielded negative results for a warrant check conduct for \$87(2)(b) and \$87(2)(b) on the date of the incident (encl. D3-D4, E8).

Status of Civil Proceedings

• \$87(2)(6) has not filed a Notice of Claim with the City of New York as of June 10, 2011 with regard to the incident (encl.).



Subject Officer(s) CCRB History

- PO Chang has been a member of the service for nine years and there are no substantiated CCRB allegations against him (encl. A1).
- Detective Moon has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. A2).

Conclusion

Identification of Subject Officer(s)

- PO Chang was identified via the Stop, Question and Frisk report and PO Chang acknowledged interacting with \$87(2)(5) Therefore, Allegations A, C, and D have been pleaded against him.
- The civilians stated that Detective Moon interacted with \$87(2)(b) and asked \$87(2)(b) for his identification. Therefore, Allegation B has been pleaded against him.

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Investigative Findings and Recommendations

Allegation A – Abuse of Authority: PO Won Chang stopped §87(2)(b)

	It is undisputed that	t PO Chang stopped	37(2)(b)	§ 87(2)(g)	
The incidence of the in	Detective Moon recaccompanied by a male alved a vehicle stop and ng frisked or searched Meanwhile, there we handwritten Stop, Question Searched Stop, Question is entirely resident orted is commercial and ountered PO Chang. Search his house to a restaurant to interacting with the red at the restaurant, Search because he smell removed all the items for section as the incident alone and there is no Stope stope and there is no Stope stope and there is no Stope stope and there is no Stope and the stope and the stope and there is no Stope and the stope and	cognized \$87(2)(b) e individual. However, he did not recall the of the first report on Street and 45th Average reported. The interest all as he testified and the interest is the location of the interest in the located on 45th Average in the interest in t	from a photor, Detective Moodetails of the inciderals of the inciderals of the incideral prepared by PO enue, which is apprepared by PO enue, which is apprepared to the incident local restaurant he claimate he and his fricenue between Bomake any stops of the restaurant and a re	graph of him and start on believed this incident, including whether and start of the proximately one bloom ted by PO Chang as the proximately one bloom ted by PO Chang as the proximately one bloom ted by PO Chang as the proximately one bloom ted by PO Chang as the proximately from the walk. We do PO Chang directed stood outside with Down the walk of the provided a nearby the provided a nearby directed that start of the provided and the provided	s accounts. It the bock from the the incident walked rt Street hen they letective ijuana on and a condition of the condition
	While the stop is no	ot in dispute, § 87(2)(b), § 87(2)(g)		
Alle	gation B – Abuse of A	uthority: Detective J	ae Moon stoppe	• ed § 87(2)(b)	
and or o	and tification. Detective M he was unsure of the circular documentation of the during the incident. I	oon stated that PO Chroumstances of the stone of \$87(2)(5)	ang made the ob p. There is no S and PO Chang		risk report was

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§ 87(2)(g), § 87(4-b)		
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Team: 2		
		:
Investigator		
Investigator:Signature	Print	Date
Signature	Time	Date
Supervisor:		
Title/Signature	Print	Date
Reviewer:		Data
Title/Signature	Print	Date
Reviewer:		
Title/Signature	Print	Date